

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
February 6, 2006**

PRESENT: Mary Blake, Janice Boeck, Jeannie Bush, Rod Gottfredsen, Vera Harris, Nancy Paggao, Howard Twait, Jeffrey Patterson

STAFF PRESENT: Tim Wellnitz, Bureau Director; Dennis Schuh, Legal Counsel; Roxanne Peterson, Direct Licensing Coordinator; Other Department Staff were present for portions of the meeting

GUESTS: Gwen Janda, Lena Golden, Lauri Thomas, Avita Regan, Jacqueline Radke, Michelle Krueger, Dawn Holden, Morgan Zabrowski, Lorraine Botello, Mary Kardoskee, Mary Kiley, Cheryle Rebholz, Deborah Glenn, Gail Lerman, Elizabeth Niderway, Jane Leahy, Jainie Zayac, Michelle Wanta, Audrey Sann, Dori Schiefelbein, Toni Sanakikone, Nikoo Brill, Chris Zajdel, Jennifer Wilson, Tracy Sabol, Elizabeth Steffen, Heather Dempsey, Hafeezah Ahmad

CALL TO ORDER

Jeannie Bush, Vice Chair, called the meeting to order at 9:35 a.m. A quorum of eight members was present.

AGENDA

MOTION: Mary Blake moved, seconded by Rod Gottfredsen, to approve the agenda as published. Motion carried unanimously.

ELECTION OF OFFICERS

Chair

MOTION: Rod Gottfredsen moved, seconded by Jeff Patterson, to nominate Jeannie Bush as Chair and that a unanimous ballot be cast. Motion carried unanimously.

Vice Chair

MOTION: Mary Blake moved, seconded by Janice Boeck, to nominate Vera Harris as Vice Chair.

MOTION: Rod Gottfredsen moved, seconded by Vera Harris, to nominate Jeff Patterson as Vice Chair.

By closed ballot, the Board elected Jeff Patterson as Vice Chair by a vote of 5-2.

Secretary

MOTION: Rod Gottfredsen moved, seconded by Mary Blake, to nominate Vera Harris as Secretary and that a unanimous ballot be cast. Motion carried unanimously.

**APPOINTMENT OF BOARD REPRESENTATIVES TO
SCREENING PANEL BY CHAIR**

Jeannie Bush, Chair, appointed Jeff Patterson, Mary Blake and Janice Boeck to serve on the Screening Panel.

APPROVAL OF MINUTES (12/5/2005)

Amendment to Minutes:

- In Open Session, under Continuing Education Discussion, 2nd paragraph, add “Rod Gottfredsen had some concerns about going forward with continuing education”.

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to approve the minutes of December 5, 2005 as amended. Motion carried unanimously.

**ADMINISTRATIVE REPORT
TIM WELLNITZ, BUREAU DIRECTOR**

Agendas and Addendum Policy

The Board received a copy of the January 4, 2006, memo from Kimberly Nania regarding the agenda and addendum policy. Mr. Wellnitz advised that the goal of the Department is to only post addendums that are of an urgent nature.

Quorum Confirmation Policy

Tim Wellnitz advised that Board members should inform the Bureau Director of any meeting dates in which they will not be able to attend. If the Bureau Director does not hear from a Board member, the Bureau Director will assume that the Board member will be attending the scheduled meeting.

A quorum check will not be conducted prior to each scheduled Board meeting. The only time the Bureau Director will conduct a quorum check will be if two or more Board members contact the Bureau Director indicating they will not be able to attend the upcoming scheduled meeting.

Hotel Reservations Policy & Hotel No-Show Policy

Mr. Wellnitz reported that the Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave in Madison for all 2006 hotel reservations.

If a Board member is not going to use the reserved hotel room, it is the responsibility of the Board member to cancel the room by calling the hotel themselves. If the hotel room is not cancelled, the Board member may be responsible to pay the hotel bill as a no-show.

Out-of-State Travel Policy

Tim Wellnitz reiterated the Department's out-of-state travel policy that the Department will pay for one Board member to attend one out-of-state conference in a fiscal year, upon motion made by the Board and upon Department approval.

2006 Meeting and Screening Dates

The Board received the list of 2006 meetings and screening dates. Tim Wellnitz requested that Board members let him know well in advance if they will be unable to attend a meeting.

Rod Gottfredsen advised he will not be available for the June 5, 2006, meeting.

Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Releases

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT SUBMITTED AFTER PRINTING OF THE AGENDA.

There were no presentations given by the Division of Enforcement for the following Stipulations:

1. Maria Santiago and Timaris Hair Salon 03 BAC 013
2. Nicole E. Schumacher and Kneaded Relief, LLC 05 BAC 002

LEGISLATIVE/ADMINISTRATIVE RULES UPDATE

Public Hearing on Proposed Rules re: Microdermabrasion and Chemical Skin Peels

A public hearing was held on a proposed rule relating to microdermabrasion, chemical skin peels, managers, ear piercing, waxing, nail enhancement, licensing requirements and reinstatement of license. Interested parties testified in support or opposition to the rule.

The Board received the Wisconsin Legislative Council's Clearinghouse Report. The Board will review this Report at the next meeting during its deliberation on the rule.

Appendix A and Scope Statement re: Use of Forged Documents

Tim Wellnitz reviewed the scope statement relating to the use of forged documents with the Board.

MOTION: Janice Boeck moved, seconded by Jeff Patterson, to approve the scope statement and to start the rulemaking process. Motion carried unanimously.

Scope Statement re: Pressure Used During Sterilization

Mr. Wellnitz reviewed the scope statement relating to the pressure used during sterilization with the Board.

MOTION: Janice Boeck moved, seconded by Nancy Paggao, to approve the scope statement and to start the rulemaking process. Motion carried unanimously.

EXAMINATION AND EDUCATION

Continuing Education Committee Request

Tim Wellnitz reported that he met with the Secretary regarding the Board's request to re-establish the Continuing Education Sub-Committee. The Secretary requested that the Board provide some specifics regarding the purpose of the sub-committee, the number of members, meeting dates and times, etc., so that she can make a decision after looking at the fiscal implications for the Department.

The Board agreed that the sub-committee would consist of 3 Board members and that meetings would be on the dates of the Board meetings from 8:00 a.m. to 9:00 a.m. The purpose of the sub-committee would be to evaluate what is important to each licensed specialty and to prepare a draft recommendation relating to possible implementation of continuing education requirements. The sub-committee's recommendations would be submitted to the full Board for final consideration.

Discussion of Electrologist Apprenticeships

Jane Leahy met with the Board to discuss the current electrologist license education and experience requirements. The Board discussed the possibility of changing the statutes and rules to allow for an apprenticeship or internship program.

Jeannie Bush, Chair, requested that this item be included on the next agenda so that the Board members can have time to evaluate and research the issue.

PRACTICE ISSUE

Definition of Supervision in Relation to Supervising an Electrologist with a Temporary License

The Board discussed the parameters for supervision of electrologists who have taken the final exam at the school and obtained a temporary permit but who have not passed the State Board Exam.

The Board referred to BC 1.01(15) Definitions and BC 2.06(3) Responsibilities of Owners, Wis. Adm. Code, which read:

BC 1.01(15) "Supervision" means regular, on-premise c
coordination, direction and inspection of the practice of another.

BC 2.06(3) Ensure the provision of supervision and training of
apprentices, temporary permit holds and training permit holders.

Judy Mender advised that these rules and interpretation would apply to all specialties. The Board decided that this is already covered in the current rules.

MISCELLANEOUS INFORMATION

Letter from Mequon Thiensville School of Esthetics and Response from Secretary Celia Jackson (FYI) – Noted.

The Board discussed the proposed legislation relating to the composition of the Board.

NEW BUSINESS

None.

BOARD MEMBER ACTIVITY

Jeff Patterson reported that he sent correspondence to Senator Lena Taylor regarding the status of the barber profession and curriculum.

Rod Gottfredsen reported that he had the opportunity to participate in some activities that were included in Governor Doyle's Government Day in Rock County.

VISITORS COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Vera Harris moved, seconded by Janice Boeck, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Mary Blake-yes; Janice Boeck-yes; Jeannie Bush-yes; Rod Gottfredsen-yes; Vera Harris-yes; Nancy Paggao-yes; Jeffrey Patterson-yes.; Howard Twait-yes.

Open session recessed at 11:30 a.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests, case status reports, and consulted with Legal Counsel.

RECONVENE INTO OPEN SESSION

MOTION: Jeff Patterson moved, seconded by Vera Harris, to reconvene into open session at 12:35 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS AND CITATIONS

MOTION: Howard Twait moved, seconded by Janice Boeck, to close cases **05 BAC 044, 03 BAC 062, 04 BAC 063, 04 BAC 100** and approve citations as Final Decisions and Orders for cases **05 BAC 044, 03 BAC 062, 04 BAC 063, 04 BAC 100**. Motion carried unanimously.

CASE CLOSINGS

MOTION: Rod Gottfredsen moved, seconded by Nancy Paggao, to close the following cases as presented by the Division of Enforcement. Motion carried unanimously.

04 BAC 059 for prosecutorial discretion (P7)
03 BAC 051 for administrative closure
04 BAC 086 for prosecutorial discretion (P2)
04 BAC 070 for prosecutorial discretion (P2)
03 BAC 044 for prosecutorial discretion (P5)

05 BAC 043 for prosecutorial discretion (P5)
04 BAC 101 for insufficient evidence
05 BAC 027 for insufficient evidence
05 BAC 021 for insufficient evidence
04 BAC 033 for insufficient evidence
05 BAC 072 for prosecutorial discretion (P2)
05 BAC 034 for insufficient evidence

STIPULATIONS

Maria Santiago and Timaris Hair Salon (03 BAC 013)

MOTION: Janice Boeck moved, seconded by Howard Twait, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Maria Santiago and Timaris Hair Salon (03 BAC 013)**. Motion carried unanimously.

Nicole E. Schumacher and Kneaded Relief, LLC. (05 BAC 002)

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Nicole E. Schumacher and Kneaded Relief, LLC. (05 BAC 002)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Rod Gottfredsen moved, seconded by Nancy Paggao, to adjourn the meeting at 12:40 p.m. Motion carried unanimously.

NEXT MEETING: April 3, 2006